

REMARKS

Upon entry of the foregoing Amendment, claims 1-13 will be pending in the Office Action with claims 1, 5, and 10 being the independent claims. Applicant requests that claims 1 and 5 be amended, and that claims 9-13 be added as new claims. These proposed amendments and new claims do not add new matter, and are supported by the specification, drawings, and claims as originally filed.

Final Office Action

In the Final Office Action, claims 1-8 were all rejected on new grounds that were not necessitated by Applicant's amendment of the claims nor information submitted in an Information Disclosure Statement. See MPEP 706.07(a). The art cited in the previous Office Action failed to establish a *prima facie* case of unpatentability, and therefore, Applicant's previous amendments did not necessitate the new grounds of rejection. Accordingly, issuance of the Final Office Action was premature. Entering this Amendment would allow the Applicant an opportunity to respond to the new rejections and place the application in a condition for allowance. Applicant respectfully requests that the Examiner withdraw the finality of the present Office Action.

Rejection under 35 U.S.C. § 102

The Examiner rejected claims 1, 4, 5, and 8 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 3,870,935 to Abels *et al.* (Abels). Proposed claim 1 is directed to a position control method for feed drive equipment for a machine tool. A plurality of screws are disposed in parallel for feeding a movable body associated with the machine tool, which are individually driven by servo motors. The position control method includes the steps of determining torque of the servo motors as they drive the

screws, and correcting position commands of at least one servo motor in dependence on the determined torque so that the servo motors have matching torque.

Proposed claim 5 is directed to a position control system for feed drive equipment for a machine tool. A plurality of screws are disposed in parallel for feeding a movable body associated with the machine tool, and are individually driven by servo motors. The position control system includes a controller operatively associated with the screws through the servo motors and adapted to determine torque of the servo motors. The controller is also adapted to correct position commands of at least one servo motor in dependence on the determined torque so that the servo motors have matching torque.

Abels discloses a forklift that includes two electric motors for driving wheels on opposite sides of the forklift. The motors may be selectively excited to accommodate differential actions during turns. See Abels, Abstract. Although Abels relates to a completely unrelated field of art, in the interest of advancing prosecution, Applicant has proposed amendments to claims 1 and 5 to recite a system and method of position control for feed drive equipment for a machine tool. Abels does not disclose any system of method of any control for a machine tool. Further, the bodies of both proposed claims 1 and 5 refer back to a "screw," introduced in the claims' preambles. Abels does not disclose any position control method or system for feed drive equipment of a machine tool as claimed in claims 1 and 5, including a screw. Accordingly, Abels does not anticipate proposed claims 1 and 5.

Claims 2-4 and 6-8 depend from and add additional features to independent claims 1 and 5. Accordingly, these claims are patentable for at least the reasons set

forth above. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of these claims.

Rejection under 35 U.S.C. § 103

The Examiner rejected claims 2, 3, 6, and 7 under 35 U.S.C. § 103 as being unpatentable over Abels. These claims depend from proposed independent claims 1 and 5. In addition to not explicitly disclosing a position control method or system for feed drive equipment of a machine tool, as discussed above, Abels does not teach or suggest such an invention. Abels relates to forklifts, not machine tools.

There is no teaching or suggestion in Abels that would motivate a person in the art to apply its teachings to the art of machine tools. And even if one did, Abels still does not teach or suggest all the features of the proposed claims 1 and 5 because they recite a method and a position control system for feed drive equipment for a machine tool. This is not taught or suggested by Abels, and therefore, proposed claims 1 and 5 are allowable over Abels.

Claims 2, 3, 6, and 7 depend from and add additional features to independent claims 1 and 5, and therefore, are also allowable over Abels. Applicant respectfully requests that the Examiner withdraw the rejection and allow the claims.

New Claims

Proposed claims 9-13 are new. Applicant respectfully requests that they be entered. Proposed claim 9 depends from claim 5. Proposed claim 10 is independent, and proposed claims 11-13 depend from claim 10. For at the least the reasons set forth above, proposed new claims 9-13 are allowable over Abels.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Conclusion

The claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 27, 2003

By: 

Dustin T. Johnson
Reg. No. 47,684

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com